

Chapter 460-46A WAC**CORPORATE LIMITED OFFERING EXEMPTION****WAC**

460-46A-050 Promotional shares.

WAC 460-46A-050 Promotional shares. The promotional shares rules set forth in WAC 460-16A-110 and adopted in WAC 460-16A-205 (1)(p) shall apply except that promotional shares need be escrowed pursuant to WAC 460-16A-104 only to the extent that such shares exceed sixty percent of the shares to be outstanding upon the completion of the offering.

[Statutory Authority: RCW 21.20.450, 95-17-068, § 460-46A-050, filed 8/16/95, effective 9/16/95. Statutory Authority: RCW 21.20.320(9) and 21.20.450, 91-04-011, § 460-46A-050, filed 1/25/91, effective 2/25/91; 89-07-042 (Order SDO-035-89), § 460-46A-050, filed 3/13/89; 82-20-068 (Order SDO-116-82), § 460-46A-050, filed 10/5/82.]

Chapter 460-52A WAC**NONPROFIT ORGANIZATIONS****WAC**

460-52A-010 Definitions.

WAC 460-52A-010 Definitions. Nonprofit organization means any person organized and operated as a nonprofit organization as defined in RCW 84.36.800(4) exclusively for religious, educational, fraternal, or charitable purposes and which nonprofit organization also possesses a current tax exempt status under the laws of the United States.

[Statutory Authority: RCW 21.20.450, 95-12-003, § 460-52A-010, filed 5/24/95, effective 6/24/95; Order SD-131-77, § 460-52A-010, filed 11/23/77; Order 344, § 460-52A-010, filed 10/24/75.]

Chapter 460-80 WAC**FRANCHISE REGISTRATION****WAC**

460-80-315 Washington uniform franchise offering circular.

WAC 460-80-315 Washington uniform franchise offering circular. To implement the disclosure requirements of RCW 19.100.030 (4)(a) and 19.100.040, the director adopts the Uniform Franchise Offering Circular (UFOC) as amended by the North American Securities Administrators Association (NASAA) on April 25, 1993.

[Statutory Authority: RCW 19.100.250, 95-08-015, § 460-80-315, filed 3/24/95, effective 4/24/95; 92-02-054, § 460-80-315, filed 12/30/91, effective 1/30/92; 88-01-060 (Order SDO 112B-87), § 460-80-315, filed 12/17/87. Statutory Authority: RCW 19.100.040 (4), (7), and (20), and 19.100.250, 80-04-036 (Order SDO-38-80), § 460-80-315, filed 3/19/80.]

Title 463 WAC**ENERGY FACILITY SITE
EVALUATION COUNCIL**

(Formerly: Thermal Power Plant Evaluation Council)

Chapters

463-39 General and operating permit regulations for air pollution sources.

Chapter 463-39 WAC**GENERAL AND OPERATING PERMIT
REGULATIONS FOR AIR POLLUTION SOURCES****WAC**

463-39-005 Adoption by reference.
463-39-020 Applicability.
463-39-030 Additional definitions.
463-39-090 Permit application form.
463-39-095 Permit issuance.
463-39-105 Fees.
463-39-120 Monitoring and special report.

WAC 463-39-005 Adoption by reference. (1) The energy facility site evaluation council adopts the following sections or subsections of chapter 173-400 WAC by reference.

WAC 173-400-030: Definitions.
WAC 173-400-040: General standards for maximum emissions.
WAC 173-400-050: Emission standards for combustion and incineration units.
WAC 173-400-060: Emission standards for general process units.
WAC 173-400-075: Emission standards for sources emitting hazardous air pollutants.
WAC 173-400-081: Startup and shutdown.
WAC 173-400-091: Voluntary limits on emissions.
WAC 173-400-105: Records, monitoring, and reporting.
WAC 173-400-107: Excess emissions.
WAC 173-400-110: New source review (NSR).
WAC 173-400-112: Requirements for new sources in nonattainment areas.
WAC 173-400-113: Requirements for new sources in attainment or unclassifiable areas.
WAC 173-400-114: Requirements for replacement or substantial alteration of emission control technology at an existing stationary source.
WAC 173-400-120: Bubble rules.
WAC 173-400-131: Issuance of emission reduction credits.
WAC 173-400-136: Use of emission reduction credits.

- WAC 173-400-141: Prevention of significant deterioration (PSD).
 WAC 173-400-151: Retrofit requirements for visibility protection.
 WAC 173-400-161: Compliance schedules.
 WAC 173-400-171: Public involvement.
 WAC 173-400-180: Variance.
 WAC 173-400-190: Requirements for nonattainment areas.
 WAC 173-400-200: Creditable stack height and dispersion techniques.
 WAC 173-400-205: Adjustment for atmospheric conditions.

(2) The energy facility site evaluation council adopts the following sections or subsections of chapter 173-401 WAC by reference.

- WAC 173-401-100: Program overview.
 WAC 173-401-200: Definitions.
 WAC 173-401-300: Applicability.
 WAC 173-401-500: Permit applications.
 WAC 173-401-520: Certification.
 WAC 173-401-600: Permit content.
 WAC 173-401-605: Emission standards and limitations.
 WAC 173-401-610: Permit duration.
 WAC 173-401-615: Monitoring and related record-keeping and reporting requirements.
 WAC 173-401-620: Standard terms and conditions. Except (2)(i).
 WAC 173-401-625: Federally enforceable requirements.
 WAC 173-401-630: Compliance requirements.
 WAC 173-401-635: Temporary sources.
 WAC 173-401-640: Permit shield.
 WAC 173-401-645: Emergency provision.
 WAC 173-401-650: Operational flexibility.
 WAC 173-401-700: Action on application.
 WAC 173-401-705: Requirement for a permit.
 WAC 173-401-710: Permit renewal, revocation and expiration.
 WAC 173-401-720: Administrative permit amendments.
 WAC 173-401-722: Changes not requiring permit revisions.
 WAC 173-401-725: Permit modifications.
 WAC 173-401-730: Reopening for cause.
 WAC 173-401-750: General permits.
 WAC 173-401-800: Public involvement.
 WAC 173-401-810: EPA Review.
 WAC 173-401-820: Review by affected states.

(3) The energy facility site evaluation council adopts the following sections or subsections of chapter 173-406 WAC by reference.

Part I - GENERAL PROVISIONS

- WAC 173-406-100: Acid rain program general provisions.
 WAC 173-406-101: Definitions.

- WAC 173-406-102: Measurements, abbreviations, and acronyms.
 WAC 173-406-103: Applicability.
 WAC 173-406-104: New units exemption.
 WAC 173-406-105: Retired units exemption.
 WAC 173-406-106: Standard requirements.

Part II - DESIGNATED REPRESENTATIVE

- WAC 173-406-200: Designated representative.
 WAC 173-406-201: Submissions.
 WAC 173-406-202: Objections.

Part III - APPLICATIONS

- WAC 173-406-300: Acid rain permit applications.
 WAC 173-406-301: Requirement to apply.
 WAC 173-406-302: Information requirements for acid rain permit applications.
 WAC 173-406-303: Permit application shield and binding effect of permit application.

Part IV - COMPLIANCE PLAN

- WAC 173-406-400: Acid rain compliance plan and compliance options.
 WAC 173-406-401: General.
 WAC 173-406-402: Repowering extensions.

Part V - PERMIT CONTENTS

- WAC 173-406-500: Acid rain permit.
 WAC 173-406-501: Contents.
 WAC 173-406-502: Permit shield.

Part VI - PERMIT ISSUANCE

- WAC 173-406-600: Acid rain permit issuance procedures.
 WAC 173-406-601: General.
 WAC 173-406-602: Completeness.
 WAC 173-406-603: Statement of basis.
 WAC 173-406-604: Issuance of acid rain permits.
 WAC 173-406-605: Acid rain permit appeal procedures.

Part VII - PERMIT REVISIONS

- WAC 173-406-700: Permit revisions.
 WAC 173-406-701: General.
 WAC 173-406-702: Permit modifications.
 WAC 173-406-703: Fast-track modifications.
 WAC 173-406-704: Administrative permit amendment.
 WAC 173-406-705: Automatic permit amendment.
 WAC 173-406-706: Permit reopenings.

Part VIII - COMPLIANCE CERTIFICATION

- WAC 173-406-800: Compliance certification.
 WAC 173-406-801: Annual compliance certification report.
 WAC 173-406-802: Units with repowering extension plans.

Part IX - NITROGEN OXIDES

- WAC 173-406-900: Nitrogen oxides emission reduction program.

Part X - SULFUR DIOXIDE OPT-IN

WAC 173-406-950: Sulfur dioxide opt-ins.

(4) The energy facility site evaluation council adopts the following sections or subsections of chapter 173-460 WAC by reference.

- WAC 173-460-010: Purpose.
 WAC 173-460-020: Definitions.
 WAC 173-460-030: Requirements, applicability and exemptions.
 WAC 173-460-040: New source review.
 WAC 173-460-050: Requirement to quantify emissions.
 WAC 173-460-060: Control technology requirements.
 WAC 173-460-070: Ambient impact requirement.
 WAC 173-460-080: Demonstrating ambient impact compliance.
 WAC 173-460-090: Second tier analysis.
 WAC 173-460-100: Request for risk management decision.
 WAC 173-460-110: Acceptable source impact levels.
 WAC 173-460-120: Scientific review and amendment of acceptable source impact levels and lists.
 WAC 173-460-130: Fees.
 WAC 173-460-140: Remedies.
 WAC 173-460-150: Class A toxic air pollutants: Known, probable and potential human carcinogens and acceptable source impact levels.
 WAC 173-460-160: Class B toxic air pollutants and acceptable source impact levels.

[Statutory Authority: RCW 80.50.040(1). 95-17-088, § 463-39-005, filed 8/21/95, effective 9/21/95; 94-16-031, § 463-39-005, filed 7/26/94, effective 8/26/94. Statutory Authority: RCW 80.50.040(1) and chapter 70.94 RCW. 93-23-035, § 463-39-005, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 80.50.040(1). 92-09-013, § 463-39-005, filed 4/2/92, effective 5/3/92.]

WAC 463-39-020 Applicability. The provisions of this chapter shall apply state-wide for those sources under the jurisdiction of the energy facility site evaluation council. The provisions of this chapter shall not apply to those facilities incorporated by reference in chapters 173-400, 173-401, 173-406, and 173-460 WAC which are not under the jurisdiction of the energy facility site evaluation council.

[Statutory Authority: RCW 80.50.040(1). 95-17-088, § 463-39-020, filed 8/21/95, effective 9/21/95. Statutory Authority: RCW 80.50.040(1) and chapter 70.94 RCW. 93-23-035, § 463-39-020, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 80.50.040(1). 79-09-006 (Order 79-1), § 463-39-020, filed 8/6/79.]

WAC 463-39-030 Additional definitions. (1) "Council" means the energy facility site evaluation council.

(2) In addition to the definitions contained in WAC 173-400-030, 173-401-200, 173-406-101, "ecology" and "authority" shall be synonymous with the energy facility site evaluation council unless a different meaning is plainly required by context.

[Statutory Authority: RCW 80.50.040(1). 95-17-088, § 463-39-030, filed 8/21/95, effective 9/21/95. Statutory Authority: RCW 80.50.040(1) and

chapter 70.94 RCW. 93-23-035, § 463-39-030, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 80.50.040(1). 92-09-013, § 463-39-030, filed 4/2/92, effective 5/3/92; 79-09-006 (Order 79-1), § 463-39-030, filed 8/6/79.]

WAC 463-39-090 Permit application form. (1) Applications for air operating permits shall be on the standard form(s) developed by the department of ecology and shall contain the information required pursuant to WAC 173-401-510.

(2) Applications for permits under chapter 173-406 WAC shall be on form(s) developed by the department of ecology.

[Statutory Authority: RCW 80.50.040(1). 95-17-088, § 463-39-090, filed 8/21/95, effective 9/21/95; 94-16-031, § 463-39-090, filed 7/26/94, effective 8/26/94.]

WAC 463-39-095 Permit issuance. Permit(s) issued for air emissions in accordance with chapters 173-400, 173-401, 173-406, and 173-460 WAC shall become an attachment(s) to a site certification agreement. For new energy facilities the permit(s) shall be effective upon the governor's approval and execution of the site certification agreement.

[Statutory Authority: RCW 80.50.040(1). 95-17-088, § 463-39-095, filed 8/21/95, effective 9/21/95.]

WAC 463-39-105 Fees. (1) Holders of air operating permits issued to major energy facilities in accordance with RCW 70.04.422 shall be assessed annual fees to recover the costs associated with program development, monitoring, compliance, and administration of the air operating permit program.

(2) All fees recovered under the air operating permit program shall be deposited in the state air operating permit account.

(3) The council shall determine and assess fees for air operating permits based on the following:

(a) Sources which are located in counties having a local air authority shall be assessed fees based upon the fee structure set by that local air authority.

(b) Sources which are located in counties not having a local air authority, or are cogeneration facilities which provide steam and/or electricity to primary industries such as the aluminum or pulp and paper mills, shall be assessed fees based upon the fee structure set by the department of ecology.

(c) Radioactive emissions sources shall be assessed fees consistent with the department of health fee structure.

(d) Department of ecology air operating permit program administration costs shall be charged to all sources under council jurisdiction.

(e) The council shall recover its actual costs for program administration as provided in WAC 463-58-050.

[Statutory Authority: RCW 80.50.040(1). 95-17-088, § 463-39-105, filed 8/21/95, effective 9/21/95.]

WAC 463-39-120 Monitoring and special report. The department of ecology or its designee shall conduct a surveillance program to monitor the quality of the ambient atmospheres to concentrations and movements of air contam-

inants in accordance with the requirements of chapters 173-400, 173-401, 173-406, and 173-460 WAC.

As a part of this program, the director of the department of ecology or an authorized representative of the director may recommend that any source under the jurisdiction of the council conduct stack and/or ambient air monitoring, and to report the results to the council and department of ecology.

[Statutory Authority: RCW 80.50.040(1), 95-17-088, § 463-39-120, filed 8/21/95, effective 9/21/95. Statutory Authority: RCW 80.50.040(1) and chapter 70.94 RCW, 93-23-035, § 463-39-120, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 80.50.040(1), 92-09-013, § 463-39-120, filed 4/2/92, effective 5/3/92; 79-09-006 (Order 79-1), § 463-39-120, filed 8/6/79.]

Title 468 WAC

TRANSPORTATION, DEPARTMENT OF

(Formerly: Highway Commission, etc.)

Chapters

- 468-20 Dishonored checks.
- 468-32 Safety rest areas.
- 468-34 Utility lines—Franchises and permits.
- 468-38 Vehicle size and weight—Restricted highways—Equipment.
- 468-70 Motorist information signs.
- 468-95 Manual on uniform traffic control devices for streets and highways.

Chapter 468-20 WAC DISHONORED CHECKS

WAC

468-20-900 Dishonored checks.

WAC 468-20-900 Dishonored checks. Checks dishonored by nonacceptance or nonpayment; handling fee; liability for interest and collection costs; attorney's fees.

(1) Whenever a check, as defined in RCW 62A.3-104, is dishonored by either nonacceptance or nonpayment for any reason other than by a justifiable stop payment order, the department shall collect from the drawer or maker, in addition to the face amount of the check, a reasonable handling fee, per check, in an amount consistent with current commercial practices but not less than the handling fee authorized in the then current state purchase contract for dishonored check collection services.

(2) When the dishonored check and handling fee have not been paid within fifteen days of the mailing of a notice of dishonor to the drawer or maker at his or her last known address, the drawer or maker shall also be liable for the payment of interest as well as the costs of collection as authorized in statute.

(3) Should the department have to pursue collection of the check through the courts, the drawer or maker may also

be liable for reasonable attorneys' fees plus damages as authorized in statute.

[Statutory Authority: RCW 62A.3-515 [62A.3-515]. 96-01-090 (Order 159), § 468-20-900, filed 12/19/95, effective 1/19/96. Statutory Authority: RCW 62A.3-104, 91-02-007 (Order 126), § 468-20-900, filed 12/21/90, effective 1/21/91.]

Chapter 468-32 WAC SAFETY REST AREAS

WAC

468-32-010 Rest area rules.

WAC 468-32-010 Rest area rules. Pursuant to chapter 47.38 RCW, the purpose of these regulations is for the safety of the traveling public by governing the conduct and use of safety rest areas. The following restrictions apply to activities in safety rest areas:

- (1) Parking is only permitted in designated areas;
- (2) Litter containers are only for picnic and automobile litter;
- (3) Pets shall stay in designated areas and shall be on a leash at all times;
- (4) Open fires are prohibited;
- (5) Aggressive solicitation for money or goods with the intent to intimidate another person into giving money or goods is prohibited; and
- (6) Sanitary disposal systems are for dumping sanitary wastes only from recreational vehicles. Commercial vehicles are prohibited from using the sanitary disposal systems.

[Statutory Authority: Chapter 47.38 RCW, 95-07-106 (Order 150), § 468-32-010, filed 3/20/95, effective 4/20/95.]

Chapter 468-34 WAC UTILITY LINES—FRANCHISES AND PERMITS

WAC

468-34-010 Applications.
468-34-020 Costs.
468-34-050 Notice of filing.
468-34-110 Definition of terms.
468-34-170 Permits and franchises—Contents.
468-34-340 Miscellaneous.

WAC 468-34-010 Applications. Applications for franchises and permits submitted to the Washington state department of transportation shall conform with the following requirements:

- (1) Applications shall be submitted upon forms available from the department.
- (2) Applications shall include the utility facility description plus additional plans and data for CAT 1 and CAT 2 installations.
- (3) Applications shall indicate compliance with the standards as set forth in the POLICY ON ACCOMMODATION OF UTILITIES ON HIGHWAY RIGHTS OF WAY as contained in these rules and any amendments thereto.
- (4) The application shall discuss alternate possibilities, especially when a location on or across a limited access facility is considered necessary. Reasons for need to adhere